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U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED APR 29 2005 CLERK, U.S. DISTRICT COURT By <u>dg</u> Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BRUCE WAYNE WORTHY, #912272,

Petitioner,

v.

DOUGLAS DRETKE, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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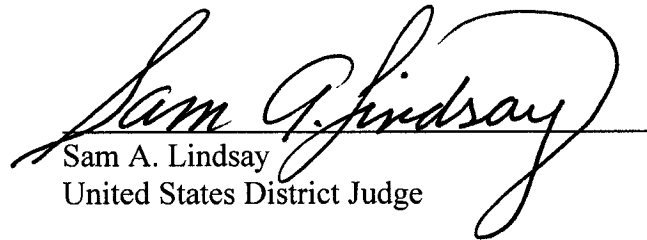
Civil Action No. 3:05-CV-0216-L

ORDER

Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendations. On April 4, 2005, the Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") were filed, to which no objections have been made.

After making an independent review of the pleadings, files and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the magistrate judge's findings and conclusions are correct. Accordingly, the court accepts the findings and conclusions of the magistrate judge as those of the court. For the reasons stated in the Report, Petitioner's Petition is **dismissed** for want of jurisdiction; however, this dismissal is **without prejudice** to Petitioner's right to file a motion for authorization to file a second or successive § 2254 petition in the Fifth Circuit Court of Appeals pursuant to 28 U.S.C. § 2244(b)(3)(A). *See In re Epps*, 127 F.3d 364, 364 (5th Cir. 1997) (setting out the requirements for filing a motion for authorization to file a successive habeas petition in the Fifth Circuit Court of Appeals).

It is so ordered this 29th day of April, 2005.


Sam A. Lindsay
United States District Judge